

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	.	Criminal No. 1:10cr485
	.	
vs.	.	Alexandria, Virginia
	.	January 21, 2015
JEFFREY ALEXANDER STERLING,	.	1:55 p.m.
	.	
Defendant.	.	<u>EXCERPT OF P.M. SESSION</u>
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. . . . .	.	

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE LEONIE M. BRINKEMA  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:	JAMES L. TRUMP, AUSA DENNIS M. FITZPATRICK, AUSA United States Attorney's Office 2100 Jamieson Avenue Alexandria, VA 22314 and ERIC G. OLSHAN, Deputy Chief Public Integrity Section of the Criminal Division United States Department of Justice 1400 New York Avenue, N.W. Suite 12100 Washington, D.C. 20005
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FOR THE DEFENDANT:	EDWARD B. MAC MAHON, JR., ESQ. Law Office of Edward B. MacMahon, Jr. 107 East Washington Street P.O. Box 25 Middleburg, VA 20118 and BARRY J. POLLACK, ESQ. MIA P. HAESSLY, ESQ. Miller & Chevalier Chartered 655 - 15th Street, N.W. Suite Washington, D.C. 20005-5701
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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 APPEARANCES: (Cont'd.)

2 CLASSIFIED INFORMATION  
3 SECURITY OFFICERS:

CHRISTINE E. GUNNING  
MAURA PETERSON

4 ALSO PRESENT:

GERARD FRANCISCO  
SA ASHLEY HUNT  
JENNIFER MULLIN, ESQ.

6  
7 OFFICIAL COURT REPORTER:

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I N D E X

DIRECT    CROSS    REDIRECT    RECROSS

WITNESS ON BEHALF OF  
THE GOVERNMENT:

SA Ashley K. Hunt

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Hunt - Redirect

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1 A F T E R N O O N S E S S I O N

2 (Defendant and Jury present.)

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4 SPECIAL AGENT ASHLEY K. HUNT, GOVERNMENT'S WITNESS,

5 PREVIOUSLY AFFIRMED, RESUMED

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7 THE COURT: All right. Redirect, Mr. Olshan?

8 MR. OLSHAN: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. OLSHAN:

11 Q. Special Agent Hunt, Mr. MacMahon asked you some questions  
12 about phone records. Do you recall those?

13 A. Yes.

14 Q. Did you obtain phone records for Vicki Divoll?

15 A. I did.

16 Q. And did those reflect any communications between  
17 Ms. Divoll and Mr. Risen?

18 A. They did not.

19 Q. And what about phone records for Merlin? Did you obtain  
20 any of those phone records?

21 A. I did.

22 Q. What did they reflect about communications with Mr. Risen?

23 A. They reflected no contact between Merlin and James Risen.

24 Q. Mr. MacMahon asked you about Mr. S. and his  
25 characterization in the book. Do you recall those questions?

Hunt - Redirect

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1 A. Yes.

2 Q. And in the book, is he referred to as the senior case  
3 officer or the senior CIA officer?

4 A. Or perhaps official, something like that.

5 Q. But he is referenced in the book?

6 A. Yes.

7 Q. Do any of Mr. S.'s -- does language from any of Mr. S.'s  
8 PARs show up in chapter 9?

9 A. No.

10 Q. How many articles did James Risen write about Mr. S.,  
11 newspaper articles?

12 A. One.

13 Q. What was that? About Mr. S.

14 A. I'm sorry, about --

15 MR. MAC MAHON: They're confusing Mr. S.'s, Your  
16 Honor.

17 THE WITNESS: Yes. I'm sorry. No, I'm sorry.

18 BY MR. OLSHAN:

19 Q. How many newspaper articles?

20 A. Are we talking about Bob S.?

21 Q. Yes.

22 A. He wrote no articles about Bob S.

23 Q. Thank you.

24 You testified that you had written that SSCI as an  
25 organization was not cooperative at first. Is that correct?

Hunt - Redirect

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1 A. That's correct.

2 Q. Was Vicki Divoll cooperative during the course of your  
3 investigation?

4 A. Yes.

5 Q. What about Don Stone?

6 A. Yes.

7 Q. Special Agent Hunt, when you investigate a case, do you  
8 consider motive?

9 A. I do.

10 Q. How important is motive evidence in your investigation?

11 MR. MAC MAHON: Your Honor, objection to testimony as  
12 to her theory of motive.

13 MR. OLSHAN: Your Honor, the defense put the  
14 thoroughness of this investigation at issue. The witness  
15 should be able to describe why it is that she focused her  
16 direction a particular way.

17 THE COURT: I'll permit it. I believe the door was  
18 opened. Overruled.

19 BY MR. OLSHAN:

20 Q. My question, Special Agent Hunt, was how important is  
21 motive evidence when you conduct a criminal investigation?

22 A. It is very important.

23 Q. Did you obtain evidence that you believed provided --  
24 presented a motive for somebody to disclose information to  
25 Mr. Risen during the course of this investigation?

Hunt - Redirect

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1 A. Yes.

2 Q. And who did that evidence involve?

3 A. Jeffrey Sterling.

4 Q. Has Robert S. ever sued the CIA?

5 A. No.

6 Q. Merlin ever sued the CIA?

7 A. No.

8 Q. When you initiated the investigation, I believe you  
9 testified it was in April of 2003?

10 A. That's correct.

11 Q. At the time when you initiated your investigation  
12 concerning unauthorized disclosure of classified information to  
13 James Risen, did you learn any information regarding Mark Zaid  
14 and Mr. Krieger that, that directed your investigation?

15 A. I did.

16 MR. MAC MAHON: Your Honor, objection. That door was  
17 not opened as to Mr. Sterling's prior lawyers.

18 MR. OLSHAN: Your Honor, this is about why --

19 THE COURT: Again, the scope of the investigation,  
20 what was done and not done, was clearly part of the cross. I'm  
21 going to allow it, excuse me, on redirect; and if there needs  
22 to be recross on that, you'll be allowed to. Go ahead.

23 MR. MAC MAHON: Thank you, Your Honor.

24 BY MR. OLSHAN:

25 Q. What did you learn at the outset of your investigation

Hunt - Redirect

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1 about information from Mr. Krieger and Zaid that helped you  
2 direct your investigation and focus it?

3 A. When I opened my investigation on April 8, 2003, my  
4 investigation was based on a report I received from the CIA  
5 dated April 7, 2003. In that report, the CIA provided  
6 information about the fact --

7 MR. MAC MAHON: Your Honor, that's hearsay.

8 THE COURT: Wait.

9 MR. OLSHAN: Your Honor, this is not for the truth.  
10 It's why she took the actions.

11 THE COURT: It explains why she is acting, takes the  
12 investigative tacks that she does, so I'm going to overrule the  
13 objection. It's not hearsay.

14 BY MR. OLSHAN:

15 Q. You may continue, Special Agent Hunt.

16 A. The CIA advised that on February 24, 2003, it was  
17 contacted by Mark Zaid and Roy Krieger. They told the CIA on  
18 February 24 that a client of theirs had contacted them on  
19 February 21, 2003, and that that client, that unnamed client at  
20 the time voiced his concerns about an operation that was  
21 nuclear in nature, and he threatened to go to the media.

22 Q. Did you later learn who that client was from Mr. Zaid and  
23 Mr. Krieger in the course of your investigation?

24 A. I did.

25 Q. Did those facts help you focus the direction of your



Hunt - Redirect

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1 investigation?

2 A. They did.

3 Q. And who did you learn was the client of Mr. Krieger and  
4 Mr. Zaid?

5 A. Jeffrey Sterling.

6 Q. You testified that you have read the chapter a number of  
7 times; is that correct?

8 A. Yes.

9 Q. Which person in your opinion, which person received the  
10 most favorable treatment as written in chapter 9?

11 MR. MAC MAHON: Your Honor, that's --

12 THE COURT: All right, now I think that's going  
13 beyond the scope of proper cross -- proper redirect.

14 MR. OLSHAN: If it's relevant to the investigation,  
15 Your Honor.

16 THE COURT: Well, then ask the question in a  
17 different way.

18 BY MR. OLSHAN:

19 Q. Was the characterization of certain individuals in chapter  
20 9 relevant to your investigation and how you conducted it after  
21 the book was published in 2006?

22 A. Yes, it was.

23 Q. And which character in the book is referenced most  
24 favorably?

25 A. The case officer who was handling the Merlin asset.

Hunt - Redirect

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1 Q. And who was that in reality?

2 A. Jeffrey Sterling.

3 Q. Chapter 9 also references two specific events: the trip  
4 to Vienna and the San Francisco meeting. Do you recall those?

5 A. I do.

6 Q. Relative to Mr. Sterling's time as the case officer, did  
7 those events -- strike that.

8 Where do those events fall relative to Mr. Sterling's  
9 time as the case officer for Merlin?

10 A. The San Francisco meeting occurred at the beginning of  
11 Jeffrey Sterling's time as the case officer for this asset and  
12 operation, and the operation carried out in Vienna in  
13 February-March of 2000 falls toward the end of his time as the  
14 case officer.

15 Q. The fact about the Sonoma trip, in the course of your  
16 investigation, did you determine whether that was known to  
17 Mr. Sterling?

18 A. It was.

19 Q. And the fact about the postman in Vienna, was that known  
20 to Mr. Sterling?

21 A. It was.

22 Q. Did those facts and the additional details about the San  
23 Francisco meeting and the Vienna trip influence the direction  
24 of your investigation?

25 A. Yes.

Hunt - Redirect

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1 MR. OLSHAN: May I have a moment, Your Honor?

2 THE COURT: Yes, sir.

3 BY MR. OLSHAN:

4 Q. You testified that you obtained phone records from  
5 Mr. Stone; is that correct?

6 A. Yes.

7 Q. Were those phone records for his personal phone numbers or  
8 his Senate phone numbers or both?

9 A. I tried to obtain records for all of the numbers, both  
10 his, his residence and his number at the Senate. I'm not sure  
11 that -- well, I collected some of those records in 2003 and  
12 some of them later.

13 Q. When you testified that SSCI was not cooperative as an  
14 organization, did that include the lawyers for the Senate not  
15 being cooperative?

16 A. Yes.

17 MR. OLSHAN: That's all.

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20 CERTIFICATE OF THE REPORTER

21 I certify that the foregoing is a correct excerpt of the  
22 record of proceedings in the above-entitled matter.

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/s/\_\_\_\_\_  
Anneliese J. Thomson